

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

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IN RE MICROSOFT CORP.  
ANTITRUST LITIGATION.

MDL Docket No. 1332

Hon. J. Frederick Motz

This Document relates to:

*Burst.com, Inc. v.*  
*Microsoft Corp.,*

Civil Action No JFM-02-cv-2952

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**REPLY TO COUNTERCLAIM**

Plaintiff and Counter-Defendant Burst.com, Inc. (“Burst”), hereby replies to the Counterclaim brought by Defendant Microsoft Corporation (“Microsoft”) dated March 14, 2003:

**Introduction**

1. Burst admits that Microsoft purports to bring its counterclaims as an action for declaratory relief seeking findings of non-infringement, invalidity with respect to Burst’s patents, Burst denies that Microsoft is entitled to any such relief.

**The Parties**

2. Upon information and belief, Burst admits that Microsoft is a Washington corporation with its principal place of business in Redmond, Washington,

3. Burst admits that it is a Delaware corporation and denies that its principal place of business is Santa Rose, California, as it is located in Santa Rosa, California,

REPLY TO COUNTERCLAIM

**Jurisdiction and Venue**

4. Burst admits that Microsoft purports to bring its counterclaims as an action for declaratory relief under the federal patent laws.

5. Burst admits that this court has proper jurisdiction and venue over Microsoft's counterclaims.

**Background**

6. Upon information and belief, Burst admits the allegations of Paragraph 6 of the counterclaim.

7. Burst admits the allegations of Paragraph 7 of the counterclaim.

8. Burst admits the allegations of Paragraph 8 of the counterclaim.

9. Burst admits the allegations of Paragraph 9 of the counterclaim.

10. Burst admits the allegations of Paragraph 10 of the counterclaim.

**COUNT I**

**Declaration of Non-Infringement of U.S. Patent No. 4,963,995**

11. Burst admits that Microsoft purports to incorporate Paragraphs 1 through 10 of its counterclaim.

12. Burst denies the allegations of Paragraph 12 of the counterclaim.

13. Burst denies the allegations of Paragraph 13 of the counterclaim.

**COUNT II**

**Declaration of Non-Infringement of U.S. Patent No. 5,164,839**

14. Burst admits that Microsoft purports to incorporate Paragraphs 1 through 13 of its counterclaim.

15. Burst denies the allegations of Paragraph 15 of the counterclaim.

16. Burst denies the allegations of Paragraph 16 of the counterclaim.

**COUNT III**

**Declaration of Non-Infringement of U.S. Patent No. 5,995,705**

17. Burst admits that Microsoft purports to incorporate Paragraphs 1 through 17 of its counterclaim.

18. Burst denies the allegations of Paragraph 18 of the counterclaim.

19. Burst denies the allegations of Paragraph 19 of the counterclaim.

**COUNT IV**

**Declaration of Invalidity of U.S. Patent No. 4,963,995**

20. Burst admits that Microsoft purports to incorporate Paragraphs 1 through 20 of its counterclaim.

21. Burst denies the allegations of Paragraph 21 of the counterclaim.

22. Burst denies the allegations of Paragraph 22 of the counterclaim.

**COUNT V**

**Declaration of Invalidity of U.S. Patent No. 5,164,839**

23. Burst admits that Microsoft purports to incorporate Paragraphs 1 through 22 of its counterclaim.

24. Burst denies the allegations of Paragraph 24 of the counterclaim.

25. Burst denies the allegations of Paragraph 25 of the counterclaim.

**COUNT VI**

**Declaration of Invalidity of U.S. Patent No. 5,995,705**

26. Burst admits that Microsoft purports to incorporate Paragraphs 1 through 26 of its counterclaim.

27. Burst denies the allegations of Paragraph 27 of the counterclaim.

28. Burst denies the allegations of Paragraph 28 of the counterclaim.

**PRAYER FOR RELIEF**

1. For an order denying Microsoft's requested declarations; and
2. For such additional relief as the Court may find just and proper.

Dated: March 28, 2003

SPENCER HOSIE (Ca Bar # 101777)  
BRUCE J. WECKER (Ca Bar # 078530)  
JOHN McARTHUR (Ca Bar #159793)  
HOSIE, FROST, LARGE & McARTHUR  
One Market, Spear Street Tower, 22<sup>nd</sup> Floor  
San Francisco, CA 94105  
Telephone: 415-247-6000

ROBERT YORIO (Ca Bar # 93178)  
MARY A. WIGGINS (Ca Bar # 191687)  
CARR & FERRELL, LLP  
2225 East Bayshore Road, Suite 200  
Palo Alto, CA 94303  
Telephone: 650-812-3400

By s/ Spencer Hosie

Attorneys for Plaintiff Burst.com, Inc.